

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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FERNANDO HERNANDEZ, KENNETH CHOW,
BRIAN WHITE, DAVID WILLIAMS,
MARQUIS ACKLIN, CECILIA JACKSON,
TERESA JACKSON, MICHAEL LATTIMORE
and JUANY GUZMAN, Each Individually, And On Behalf Of
All Other Persons Similarly Situated,

Case No. 12 Civ. 4339
(ALC)(JLC)

STATUS REPORT

Plaintiffs,

-against-

THE FRESH DIET INC.,
SYED HUSSAIN, Individually,
JUDAH SCHLOSS, Individually,
and ZAIMI DUCHMAN, Individually

1-15-15

Defendants.

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The parties to this matter, through undersigned counsel and pursuant to the Court's October 22, 2014 Order, respectfully submit this status report regarding settlement negotiations. By Order dated September 29, 2014, the Court denied both parties' motions for summary judgment and granted defendants' motions for decertification. The decertification said that opt-in plaintiffs were no longer allowed to pursue their claims in this action. The claims that remain are those of the named plaintiffs. The opt-in plaintiffs' claims were dismissed without prejudice, and the opt-in plaintiffs intend to pursue these claims in this case or in a separate action.

Thus far, there is no agreement to resolve any of the claims. The court has scheduled a settlement conference with Magistrate Judge James Cott for January 21, 2014, which will concern only the pending claims of the named plaintiffs.

It is our understanding that if this case does not settle, the pending claims would proceed to trial.

Dated: New York, New York
December 22, 2014

/s/ Walker G. Harman, Jr.

Walker G. Harman, Jr.
Ronnie L. Silverberg
The Harman Firm, PC
1776 Broadway, Suite 2030
New York, New York 10019
(212) 425-2600
wharman@theharmanfirm.com
rsilverberg@theharmanfirm.com

Attorneys for Plaintiffs

/s/ Yale Pollack

Jeffery A. Meyer
Yale Pollack
Kaufman, Dolowich & Voluck LLP
135 Crossways Park Drive
Woodbury, NY 11797
(516)-681-1100
jmeyer@kdvlaw.com
ypollack@kdvlaw.com

Attorneys for Defendants

4820-0418-6913, v. 1

The parties are directed to submit another joint status report on January 23, 2015.

SO ORDERED
Andrea T. Catz *2*
1-15-15